REMARKS

Claims 1-24 remain pending in the application. Claims 1, 10, and 19 have been amended.

35 U.S.C. § 103(a) Rejections:

Claims 1-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Whitney, U.S. Patent 5,812,214, in view of Sugauchi, U.S. Patent 6,041,349, and in further view of Wang, U.S. Patent 6,757,242. Applicant respectfully traverses this rejection.

The cited references, taken singly or in combination do not teach or suggest all of the elements of the independent claims. Furthermore, there is no suggestion to combine the references. The teachings of Whitney and Sugauchi were presented in the previous office action response. Wang teaches a system, method and computer program to detect and recover from a communications failure in a computer network. The computer network has several nodes which include processor-based systems, input/output controllers and network controllers. Each node has a cluster adapter connected to multiple port switches through communications links. Data is transmitted through among the nodes through the communications links in the form of packets. A fabric manager module will monitor the network and detect a link failure. Upon the detection of a link failure between two switches a spanning tree partitioning module will partition the network into two trees at the point of the link failure. Thereafter, a link and switch identification module will identify a link between the two trees that can replace the failed link and has the least impact on the network.

Independent claim 1 recites, in pertinent part:

"a system control unit, wherein the system control unit includes:
a storage unit configured to store a domain list and a path list, wherein the domain list comprises a domain defined in a system and the path list comprises at

least two paths available for communications <u>between the domain and the system control unit</u>; and

a control unit communicatively coupled to the storage unit, the control unit configured to determine an active path from the at least two available paths and to transmit data <u>from the system control</u> unit to the domain over the active path" (Emphasis added).

Independent claims 10 and 19 recite similar combinations of features.

Applicant can find no teaching or suggestion of a system control unit including a storage unit and a control unit as recited in the independent claims in any of the cited references, whether taken singly or in combination. In particular, Applicant can find no teaching of <u>a system control unit including a storage unit</u> configured to store a domain list and a path list, wherein the path list comprises <u>at least two paths available for communications between a domain and the system control unit</u>. Furthermore, Applicant can find no teaching or suggestion of a <u>system control unit including a control unit communicatively coupled to the storage unit</u> and configured to determine an active path <u>from the at least two available paths</u>. In the office action, the Examiner contends that Whitney teaches a control unit adapted to determine an active path from one or more available paths, citing Whitney at Fig. 6 and at Col. 7, lines 40-59. Applicant respectfully disagrees with the Examiner's characterization of Whitney, and notes (as discussed below as well as in the previous office action responses) that Whitney <u>teaches logical path names</u>, but provides no teaching or suggestion of multiple logical path names for a given object or physical address. For at least these reasons, Applicant submits that the cited references, whether taken singly or in combination, do not teach or suggest all of the elements of the independent claims.

As noted in a previous office action response, Whitney teaches a file system that resolves <u>logical path names into physical addresses</u>. Applicant submits that <u>a path name</u> as used in Whitney (and many other file systems) corresponds to <u>an abstraction</u> that yields a pointer to single entity (e.g., file, object, etc.). In many file systems, there may

be multiple hierarchical layers of such abstractions. In Whitney, the abstraction is translated (or resolved) into a physical <u>address</u> that <u>points to</u> a location such as a storage location, for example. Applicant further submits that <u>a path name, even when translated, is still just a pointer and not a **physical communication path**</u> to an entity. Neither Sugauchi nor Wang provide any teaching or suggestion of the desirability of changing <u>a logical path name</u>, and thus provide no teaching or suggestion to modify the file system of Whitney by changing logical path names. Applicant further submits that it would be undesirable to change the logical path names of Whitney, since such a change would presumably involve changing the physical address that points to the location of the file or object. In column 1, lines 25-35, Whitney states:

> "As the size of the distributed system increases it becomes more difficult, due to the sheer number of logical path names active in the distributed system, to manage the logical path names in a way which provides for efficient mappings of logical path names into physical addresses. In addition, it becomes more difficult to provide a single, consistent name space to a user of the distributed system from any location on the distributed system. Prior systems have instead provided a fragmented name space to users of the distributed system."

In light of the above citation, Applicant submits that an object of Whitney is to simplify the management of logical path names in such a way that provides for efficient mappings of logical path names into physical addresses. Accordingly, Applicant submits that it would be undesirable to change the mappings of the logical path names into physical addresses, as this would make the system of Whitney less efficient and thus render it unsatisfactory for its intended purpose. MPEP 2143.01 states that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose then there is no suggestion or motivation to make the proposed modification. Accordingly, Applicant submits there is no suggestion to combine the references as stated by the Examiner.

For at least the reasons state above, Applicant submits that a case of obviousness has not been established. Accordingly, removal of the 35 U.S.C. § 103(a) rejection is respectfully requested.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-52100/EAH.

Respectfully submitted,

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